



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB1887

Introduced 2/20/2009, by Sen. David Koehler

SYNOPSIS AS INTRODUCED:

New Act

Creates the Non-Home Rule Counties Electrical Contractors Licensing Act. Sets forth the findings of the General Assembly. Specifies the powers and duties of the governmental unit. Unless exempt from the Act, provides that no contractor shall perform electrical work unless he or she is licensed according to the Act. Contains provisions concerning the expiration of a license and provides that fees may be imposed for the application, issuance, or renewal of a license. Contains provisions concerning the discipline of a licensee by the office. Provides that certain individuals performing specified tasks are exempt from the Act. Contains provisions requiring a licensee to display his or her license. Contains provisions concerning safety standards. Effective immediately.

LRB096 08428 ASK 18541 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Non-Home Rule Counties Electrical Contractors Licensing Act.

6 Section 5. Findings. The General Assembly finds that the
7 use of improper electrical materials and the improper
8 installation of electrical materials, including but not
9 limited to wiring, affects the safety, health, and well-being
10 of the public. The use of improper electrical materials and the
11 improper installation of electrical materials can result in
12 disastrous or deadly consequences to the public's safety and
13 health and the destruction or damage of property. In fulfilling
14 its responsibility to safeguard the safety and health of
15 persons and their property, the General Assembly finds that it
16 is necessary for non-home rule counties to establish certain
17 minimum standards regarding the use of electrical materials and
18 to further establish certain minimum standards regarding the
19 knowledge, skills, and experience of persons who plan, inspect,
20 install, alter, extend, and repair electrical materials and
21 systems. This Act provides for the licensing of electrical
22 contractors. This Act is declared to be essential to the public
23 interest.

1 Section 10. Definitions. As used in this Act:

2 "Electrical contractor" means a natural or legal person or
3 any association thereof operating a business that undertakes or
4 offers to undertake to plan for, lay out, supervise, or install
5 or to make additions, alterations, or repairs in the
6 installation of electrical wiring, apparatus, and equipment
7 for electric light, heat, or power within or on a building,
8 residence, structure, or real property with or without
9 compensation and who is licensed to engage in electrical
10 contracting as an electrical contractor.

11 "Electrical work" means the installation, alteration, or
12 repair of electrical wiring, apparatus, and equipment for
13 electric heat, light, or power within or on a building,
14 residence, structure.

15 "Governmental unit" means a non-home rule county as defined
16 in Article VII of the Illinois Constitution.

17 "Office" means that particular governmental unit of the
18 jurisdiction.

19 Section 15. Powers and duties of the governmental unit. The
20 governmental unit may:

21 (1) adopt rules and regulations for examination of
22 applicants for a contractor license and accept reciprocal
23 licenses from other units of local government;

24 (2) prepare and give uniform examinations to

1 applicants for contractor licenses that test their
2 knowledge and qualifications in the planning and design of
3 electrical systems, their knowledge, qualifications, and
4 manual skills in electrical installations, and their
5 knowledge of materials and methods used in electrical work
6 according to the minimum electrical code adopted by the
7 governmental unit;

8 (3) prepare and issue electrical contractor, licenses,
9 and license renewals to applicants who have met the
10 requirements for licensure and complied with all the
11 prerequisites to licensure;

12 (4) adopt rules for the extension of a person's
13 temporary license based on demonstrated undue hardship or
14 other special circumstances;

15 (5) adopt rules for hearings to deny, suspend, revoke,
16 or reinstate licenses and assess fines as provided for in
17 this Act;

18 (6) maintain a current record showing:

19 (A) the names and addresses of licensed electrical
20 contractors;

21 (B) the dates of issuance of licenses;

22 (C) the date and rationale for the charges set
23 forth in any hearing for denial, suspension, or
24 revocation of any license;

25 (D) the date and substance of the final order
26 issued upon a hearing; and

1 (E) the date and substance of all petitions for
2 reinstatement of license and final orders on
3 petitions;

4 (7) establish and collect fees for the examination,
5 issuance, and renewal of licenses;

6 (8) adopt rules for and provide for the inspection of
7 new electrical installations in construction, remodeling,
8 replacement, or repair work where required by this Act;

9 (9) establish and collect fees for the handling and
10 inspection of new electrical installations;

11 (10) assess administrative fines, which shall be
12 established by the governmental unit by rule against a
13 licensee for violation of any provision of this Act or
14 rules adopted pursuant to this Act;

15 (11) adopt any rules necessary for the administration
16 and enforcement of this Act; and

17 (12) perform other duties prescribed in this Act.

18 Section 20. License and registration.

19 (a) On or after January 1, 2009, except as otherwise
20 provided by this Act, no contractor shall offer to perform
21 electrical work unless the person is:

22 (1) Licensed by the governmental unit as a licensed
23 contractor.

24 (2) An electrical contractor giving bond to the
25 governmental unit in an amount to be determined by the

1 office and meeting all other requirements of this Act shall
2 be issued a licensed by the office. The bond shall be filed
3 with the office and shall be in lieu of all other license
4 bonds to any political subdivision. The bond shall be
5 written by any corporate entity licensed to do business in
6 the State.

7 (3) Each licensed electrical contractor shall have and
8 maintain in effect insurance. Specific insurance
9 requirements and minimum limits per occurrence shall be
10 determined by the governmental unit. The insurance shall be
11 written by an insurer licensed to do business in the State
12 and each licensed electrical contractor shall maintain on
13 file with the office a certificate evidencing insurance
14 that provides that the insurance shall not be cancelled
15 without the insurer first giving 15 days written notice to
16 the office of the cancellation.

17 (b) The governmental unit shall adopt rules for determining
18 whether an applicant's work experience meets the requirements
19 for licensure under this Act.

20 Section 25. Expiration of license; fees.

21 (a) Unless otherwise specified in this Act, all licenses
22 issued under this Act shall expire every year in a manner as
23 provided by the governmental unit. Application, renewal, and
24 all other fees provided for in this Act shall be adopted by the
25 governmental unit by rule.

1 (b) Any licensee failing to renew his or her license for 2
2 years or more after its expiration shall retake the required
3 examination specified in Section 30 before he or she is issue a
4 new license.

5 (c) The office shall reinstate a license that expires while
6 a licensee is in active military service of the United States
7 upon application to the Office by the licensee within 2 years
8 after termination of the military service, payment of the
9 annual license fee, and submission of evidence of the military
10 service. The license shall be reinstated without examination or
11 completion of the continuing education requirement specified
12 in Section 30 and without payment of the lapsed renewal fee

13 Section 30. Grounds for discipline.

14 The office may by order deny, suspend, revoke, or refuse to
15 renew a license, or may censure a licensee if it finds that it
16 is in the public interest to do so and that the applicant or
17 licensee:

18 (1) has filed an application for a license that
19 contains any statement that, in light of the circumstances
20 under which it is made, is false or misleading with respect
21 to any material fact;

22 (2) has engaged in any fraudulent, deceptive, or
23 dishonest practice;

24 (3) has been convicted within the past 5 years of a
25 misdemeanor involving a violation of this Act; or

1 (4) has violated or failed to comply with this Act or
2 its rules or any order issued under this Act. A violation
3 need not be willful. The office may adopt rules further
4 specifying the grounds for suspension, revocation, and
5 refusal to renew a license and establishing standards of
6 conduct for licensees.

7 Section 35. Exemptions.

8 (a) Contractors performing work for any electric utility or
9 electric utility affiliate, independent electric power
10 generator, public utility as defined in Section 3-105 of the
11 Public Utilities Act, generating station or generating unit of
12 an electric utility as described in Section 16-102 of the
13 Public Utilities Act, communications or railway utility,
14 electric system owned and operated by a municipal corporation
15 or governmental unit (notwithstanding any other provision of
16 this Act), electric cooperative as defined in Section 3.4 of
17 the Electric Supplier Act, telephone or telecommunications
18 cooperative as defined in Section 13-212 of the Public
19 Utilities Act, or a telecommunications carrier as defined in
20 Section 13-202 of the Public Utilities Act or its affiliate or
21 co-generation facilities shall be exempt from the provisions of
22 this Act while performing work on installations, materials, or
23 equipment that are owned or leased, operated, serviced, or
24 maintained by the electric utility or electric utility
25 affiliate, independent electric power generator, public

1 utility, generating station or generating unit of an electric
2 utility, communications or railway utility, electric system
3 owned and operated by a municipal corporation or governmental
4 unit, electric cooperative, telephone or telecommunications
5 cooperative, or telecommunications carrier or its affiliate or
6 co-generation facilities in the exercise of its utility or
7 telephone function, and that:

8 (1) are used exclusively for the generation,
9 transformation, distribution, transmission, or metering of
10 electric current, or the operation of railway signals,
11 traffic signals, or street lights, or the transmission of
12 intelligence and do not have as a principal function the
13 consumption or use of electric current by or for the
14 benefit of any person other than the electric utility or
15 electric utility affiliate, independent electric power
16 generator, public utility, generating station or
17 generating unit of an electric utility, communications or
18 railway utility, electric system owned and operated by a
19 municipal corporation or governmental unit, electric,
20 telephone, or telecommunications cooperative, or
21 telecommunications carrier or its affiliate or their end
22 users; and

23 (2) are generally accessible only to employees of the
24 electric utility or electric utility affiliate,
25 independent electric power generator, public utility,
26 generating station or generating unit of an electric

1 utility, communications or railway utility, electric
2 system owned and operated by a municipal corporation or
3 governmental unit, electric, telephone, or
4 telecommunications cooperative, or telecommunications
5 carrier or its affiliate or persons acting under its
6 control or direction. Persons performing work
7 subcontracted out to an electrical contractor or other
8 contractors, however, shall be in compliance with the
9 requirements of this Act.

10 (b) Contractors employing pipefitters, sprinkler fitters,
11 licensed plumbers, or sheet metal workers performing
12 modification, service, maintenance, retrofit, or warranty work
13 in plumbing, heating, sprinkler fitting, irrigation,
14 ventilation, air conditioning, refrigeration (HVACR) systems,
15 instrumentation, control work, or stress relieving shall be
16 exempt from this Act except where they do other electrical work
17 regulated in this Act. For the installation or replacement of
18 equipment in the HVACR industry, modifications to the external
19 power wiring to the equipment is exempt. The installation of
20 wiring for irrigation when being installed by a registered or
21 licensed irrigation worker shall be exempt from this Act.
22 Persons performing work subcontracted out to an electrical
23 contractor or other contractors, however, shall be in
24 compliance with the requirements of this Act.

25 (c) Contractors performing construction or maintenance
26 work on any transmission or distribution lines owned, leased,

1 operated and maintained by the utilities described in
2 subsection (a) of this Act shall be exempt from the provisions
3 and licensing requirements of this Act, or entity approved by
4 the Federal Energy Regulatory Commission and Illinois Commerce
5 Commission shall be exempt from this Act.

6 (d) Contractors performing construction or maintenance
7 work on highway lighting or street lighting owned, leased,
8 operated, and maintained by governmental units and their
9 departments and political subdivisions shall be exempt from
10 this Act.

11 (e) Contractors performing construction or maintenance
12 work on traffic signals owned, leased, operated, and maintained
13 by a governmental unit and its departments and political
14 subdivisions shall be exempt from this Act, provided that these
15 employees are Traffic Signal Level II certified under the
16 International Municipal Sign Association (IMSA).

17 Section 40. Display of license. Persons who advertise
18 electrical wiring services shall, at their place of business,
19 display their current contractor's license. When advertising
20 electrical wiring services, the license number shall be
21 included in all forms of written or printed advertising and
22 included with the electrical wiring identification of
23 vehicles.

24 Section 45. Safety standards. All electrical work and

1 electrical wiring, apparatus, and equipment for electric
2 light, heat, or power within or on a building, residence,
3 structure, or real property shall comply with the Minimum
4 Electrical Code and all applicable rules adopted by the Office.

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.